

advertising images so that the sponsors can be appropriately billed, but not actually contacted. Paragraph [0008] of McIntyre cited in the final Office action is elaborated on in paragraph [0042]:

The host server may keep track of the number of times the games are played and to which sponsor the game is being played. In another form of the present invention, the games may be dispensed by the host server 26 in accordance with a predetermined schedule. Thus keeping track of the number of times a sponsor message contest and/or message is received. This also allows a sponsor to be billed for the actual number of times games have been played on their behalf.

Later, at paragraph [0043], McIntyre explicitly notes that the object of using the host server 26 is to *avoid contacting the sponsor*.

By using a host server 26, the actual sponsor need not ever be actually contacted.

If anything, McIntyre *teaches away* from providing any information, such as a statistical report, to the sponsor. In other words, McIntyre neither discloses the generation of any statistical report as Appellants claim, nor does McIntyre disclose the step of providing the generated statistical report to the commercial entity as claimed by Appellants. At best, McIntyre discloses the step of billing a sponsor without substantive feedback. But this is in stark contrast to what Appellants claim.

The significance between what McIntyre discloses and Appellants' claim cannot be underscored enough. First, Appellants claimed statistical report is not the same thing as McIntyre's bill. Second, the bill of McIntyre has no relation to the qualitative consumer's interactions with the advertising message/computerized game as claimed by Appellants. Instead, McIntyre's game is merely passive and only tracks the number of times a sponsor's advertising is displayed to generate the billed amount. Finally, McIntyre fails to disclose sending a report or anything similar to the commercial entity, whereas Appellants claim "providing the statistical report to the commercial entity."

Consequently, even if Guyett and McIntyre were combined as stated in the final Office action for arguments sake, one of ordinary skill still would still not reach the invention as recited in claims 33 or 67 because neither reference discloses: (a) generating